

§ 169.101

- 169.744 Emergency position indicating radio beacon (EPIRB).
- 169.745 Escape hatches and emergency exits.
- 169.746 Fuel shutoff valves.
- 169.747 Watertight doors and hatches.
- 169.750 Radio call sign.
- 169.755 Draft marks and draft indicating systems.

Subpart 169.800—Operations

- 169.805 Exhibition of licenses.
- 169.807 Notice of casualty.
- 169.809 Charts and nautical publications.
- 169.813 Station bills.
- 169.815 Emergency signals.
- 169.817 Master to instruct ship's company.
- 169.819 Manning of lifeboats and liferafts.
- 169.821 Patrol person.
- 169.823 Openings.
- 169.824 Compliance with provisions of certificate of inspection.
- 169.825 Wearing of safety belts.

TESTS, DRILLS, AND INSPECTIONS

- 169.826 Steering, communications and control.
- 169.827 Hatches and other openings.
- 169.829 Emergency lighting and power systems.
- 169.831 Emergency position indicating radio beacon (EPIRB).
- 169.833 Fire and boat drills.
- 169.837 Lifeboats, liferafts, and lifefloats.
- 169.839 Firefighting equipment.
- 169.840 Verification of vessel compliance with applicable stability requirements.
- 169.841 Logbook entries.
- 169.847 Lookouts.
- 169.849 Posting placards containing instructions for launching and inflating inflatable liferafts.
- 169.853 Display of plans.
- 169.855 Pre-underway training.
- 169.857 Disclosure of safety standards.

AUTHORITY: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.45, 1.46; §169.117 also issued under the authority of 44 U.S.C. 3507.

SOURCE: CGD 83-005, 51 FR 896, Jan. 9, 1986, unless otherwise noted.

Subpart 169.100—General Provisions

§ 169.101 Purpose.

The regulations in this part set forth uniform requirements which are suited to the particular characteristics and specialized operations of sailing school vessels as defined in Title 46, United States Code section 2101(30).

46 CFR Ch. I (10–1–98 Edition)

§ 169.103 Applicability.

(a) This subchapter applies to each foreign and domestic vessel operating as a sailing school vessel except as follows:

(1) A vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea and which has on board a current valid Safety Certificate; or

(2) A vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal arrangements with the United States and which has on board a current valid certificate of inspection issued by its government.

(b) This subchapter does not apply to—

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States;

(2) Any vessel while laid up, dismantled, and out of service;

(3) Any vessel with title vested in the United States and which is used for public purposes except vessels of the U.S. Maritime Administration;

(4) Any vessel carrying one or more passengers; or

(5) Any vessel operating under the authority of a current valid certificate of inspection issued in accordance with the requirements of Subchapter H or T, 46 CFR parts 70 through 78 and parts 175 through 187, respectively.

(c) A vessel which engages in trade or commerce or carries one or more passengers, cannot operate under a certificate of inspection as a sailing school vessel, but must meet the rules and regulations governing the service in which it is engaged.

§ 169.107 Definitions.

(a) *Approved* means accepted by the Commandant unless otherwise stated.

(b) *Coast Guard District Commander* means an officer of the Coast Guard designated by the Commandant to command all Coast Guard activities within a district.

(c) *Commandant* means the Commandant of the Coast Guard or an authorized representative of the Commandant.

(d) *Existing vessel* means a sailing school vessel, whose keel was laid prior to (January 9, 1986), which applies for

certification as a sailing school vessel prior to (January 9, 1987), and whose initial inspection for certification is completed prior to (January 9, 1988).

(e) *Exposed Waters* means waters more than 37 kilometers (20 nautical miles) from the mouth of a harbor of safe refuge, or other waters the Officer in Charge, Marine Inspection determines to present special hazards due to weather or other circumstances.

(f) *Guest* means an individual on board a sailing school vessel who is not a member of the ship's company and has not contributed any consideration, either directly or indirectly, for carriage on the vessel. Guests are not considered passengers for the purpose of these regulations.

(g) *Headquarters* means the Office of the Commandant, United States Coast Guard, Washington, DC 20593.

(h) *Instructor* means any person who is aboard a sailing school vessel for the purpose of providing sailing instruction and is not an officer, operator, or member of the crew required by regulation to be aboard the vessel, and has not paid any consideration, either directly or indirectly for his or her carriage on the vessel.

(i) *Length* means the mean length. It is the mean or average between length on deck (LOD) and length between perpendiculars (LBP). *Length on deck* (LOD) means the length between the forward-most and after-most points on the weather deck, excluding sheer. *Length between perpendiculars* (LBP) means the horizontal distance between the perpendiculars taken at the forward-most and after-most points on a vessel's waterline corresponding to the deepest operating draft.

(j) *Marine Inspector* means any person from the civilian or military branch of the Coast Guard assigned by the Officer in Charge, Marine Inspection or any other person designated by the Coast Guard to perform duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

(k) *Master* means the senior licensed individual having command of the vessel.

(l) *New vessel* means a sailing school vessel which is not an existing vessel.

(m) *Officer In Charge, Marine Inspection (OCMI)* means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the direction of the Coast Guard District Commander, is in charge of the inspection zone in which the vessel is located for the performance of duties with respect to the inspections, enforcement, and administration of vessel safety and navigation laws and regulations.

(n) *Partially Protected Waters* means—

(1) Waters within 37 kilometers (20 nautical miles) of a harbor of safe refuge, unless determined by the OCMI to be exposed waters; and

(2) Those portions of rivers, harbors, lakes, etc. which the OCMI determines not to be sheltered.

(o) *Passenger* means any person carried on board a vessel other than—

(1) The owner or his representative;

(2) The master and bona fide members of the crew who are engaged in the business of the vessel and paid for their services;

(3) Any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;

(4) Any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) Any guest; or

(6) Any sailing school instructor or sailing school student.

(p) *Protected Waters* means sheltered waters presenting no special hazards such as most rivers, harbors, lakes, etc.

(q) *Qualified Organization* means an educational organization, State, or political subdivision of a State that owns or demise charters, and operates a sailing school vessel for the purpose of providing sailing instruction. The educational organization must satisfy the requirements of section 501(c)(3) of the Internal Revenue Code of 1954 and must be exempt from tax under section 501(a) of such Code, as now or hereafter amended.

(r) *Recognized Classification Society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

(s) *Rules of the Road* means the statutory and regulatory rules governing navigation of vessels.

(t) *Sailing Instruction* means teaching, research, and practical experience in operating vessels propelled primarily by sail, and may include—

(1) Any subject related to that operation and the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and

(2) When in conjunction with a subject referred to in paragraph (t)(1) of this paragraph, instruction in mathematics and language arts skills to sailing school student having learning disabilities.

(u) *Sailing School Student* means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.

(v) *Sailing School Vessel* means a vessel of less than 500 gross tons, carrying six or more individuals who are sailing school students or sailing school instructors, principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion, and owned or demise chartered and operated by a qualified organization during such times as the vessel is operated exclusively for the purposes of sailing instruction.

(w) *Ship's Company* means the officers and crew of a sailing school vessel, sailing school students, and sailing school instructors.

(x) *Watertight* means designed and constructed to withstand a static head of water without any leakage, except that *watertight equipment* means enclosed equipment constructed so that a stream of water from a hose (not less than 1 inch in diameter) under head of about 35 feet from a distance of about 10 feet, and for a period of 5 minutes, can be played on the apparatus without leakage.

(y) *Weathertight* means that water will not penetrate into the unit in any sea condition, except that *weathertight equipment* means equipment constructed or protected so that exposure to a beating rain will not result in the entrance of water.

[CGD 83-005, 51 FR 897, Jan. 9, 1986; 51 FR 3785, Jan. 30, 1986]

§ 169.109 Equivalents.

Substitutes for a fitting, appliance, apparatus, or equipment, may be ac-

cepted by the Commandant if the substituted item is as effective and consistent with the requirements and minimum safety standards specified in this subchapter.

§ 169.111 Administrative procedures.

(a) Upon receipt of a written application for inspection, the Officer in Charge, Marine Inspection assigns a marine inspector to inspect the vessel at a mutually agreed upon time and place.

(b) The owner or a representative shall be present during the inspection.

(c) If during the inspection, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector lists all requirements which have not been met and presents the list to the owner or a representative.

(d) In any case where the owner of a vessel or his representative desires further clarification of, or reconsideration of any requirement placed against his vessel, he may discuss the matter with the Officer in Charge, Marine Inspection.

§ 169.112 Special consideration.

In applying the provisions of this part, the Officer in Charge, Marine Inspection, may give special consideration to departures from the specific requirements when special circumstances or arrangements warrant such departures and an equivalent level of safety is provided.

§ 169.113 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50381, Dec. 6, 1989]

§ 169.115 Incorporation by reference.

(a) In this subchapter portions or the entire text of certain industrial standards and specifications are referred to as the governing requirements for materials, equipment, tests, or procedures to be followed. These standards and specification requirements specifically referred to in this subchapter are the